

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRIMINAL #04-10288-RWZ

UNITED STATES

v.

JOSEPH ALLEN

**DEFENDANT'S RENEWED MOTION TO REVOKE DETENTION ORDER BASED
UPON CHANGED CIRCUMSTANCES**

Joseph Allen, defendant in the above-captioned criminal case, hereby moves this Court, pursuant to 18 U.S.C. §3145(b), to revoke the order of detention entered by the Court (Swartwood, M.J.) on October 5, 2005. As grounds therefore, defendant avers as follows:

1. As the Magistrate Judge correctly found, Mr. Allen, a lifelong resident of the community, is not a risk of flight.
2. Mr. Allen had been on pre-trial release from August 2004 through September 2005. With the exception of a positive drug test (and admitting to drug use) in July 2005 and leaving his drug treatment program without permission in September 2005 (under mitigating circumstances), he complied fully with his conditions of release.
3. The revocation of Allen's bail did not stem from any alleged violation of state or federal law.
4. The defendant has been incarcerated pending trial for more than seven months. His

trial had been scheduled to commence on April 3, 2006, but that trial date has now been postponed until May over Allen's objection.

5. Under the circumstances, subjecting Allen to a further loss of liberty while awaiting trial would be unjust. There are clearly conditions (such as house arrest with electronic monitoring) which can be fashioned to reasonably assure his appearance as required and the safety of the community.

WHEREFORE, the defendant requests that the Court revoke the detention order and release him on appropriate conditions forthwith.

Respectfully submitted,

JOSEPH ALLEN

By his attorneys,

/s/ James L. Sultan
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on March 29, 2006.

/s/ James L. Sultan
James L. Sultan